

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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IN RE:
INTEL CORP. MICROPROCESSOR) MDL Docket No. 05-1717 (JJF)
ANTITRUST LITIGATION)

PHIL PAUL, on behalf of himself and all)
others similarly situated,)
Plaintiffs,)
v.) C.A. No. 05-485 (JJF)

INTEL CORPORATION,) CONSOLIDATED
Defendant.)

DECLARATION OF BRIAN D. HENRI

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April 17, 2007

DECLARATION OF BRIAN D. HENRI

I, Brian D. Henri, do hereby declare:

1. I am Legal Counsel for third party FRY'S ELECTRONICS, INC. ("Fry's"), and have met and met and conferred with the parties to this action regarding their subpoenas served upon Fry's. The following facts are within my personal knowledge and, if called as a witness, I could and would competently testify with regard thereto.

2. I have taken part in several telephone conferences with the parties regarding the Subpoenas served upon Fry's in an attempt to narrow to scope of the requests. The first such telephone conference call took place in mid-December. During this call, I asked Class Plaintiffs counsel, Richard Volin, to explain the relevance of the requested transactional data. Mr. Volin refused to do so because he stated that he "did not want to tip his hand to Intel."

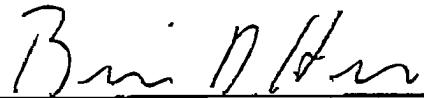
3. In Class Plaintiffs' Motion they argue that Fry's transactional data is needed so that they may prove "pass-on as part of a classwide (sic) damages formula" and "Intel's challenged conduct was anticompetitive". See, Motion at 2-3. However, Class Plaintiffs failed to raise either of these arguments with Fry's prior to filing their Motion.

4. Furthermore, from the outset of the my discussions with Class Plaintiffs' counsel, I requested that Class Plaintiffs identify any class representative who purchased products at Fry's and state how they intend to pay for production of the requested information. Moreover, these questions have been repeated in each and every correspondence I had with Class Plaintiffs' counsel . To date, however, Class Plaintiffs have refused to answer either of these questions.

5. Indeed, as set forth in my letter to Richard Volin, dated March 8, 2007, for three months Mr. Volin repeated the same tag line regarding whether any class representative purchased products at Fry's; that he is "currently investigating this issue." See, Volin Declaration Exhibit J. During Fry's discussions with Class Plaintiffs I spent considerable time answering Class Plaintiffs' questions regarding Fry's maintenance of transactional data,

however, Class Plaintiffs refused to answer Fry's basic questions regarding the requested information.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct. Executed on April 17, 2007, at San Jose, California.



Brian D. Henri
Brian D. Henri

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 17, 2007, the foregoing was caused to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

In addition, the undersigned hereby certifies that on April 17, 2007 true and correct copies of the foregoing were caused to be served upon the following parties in the manner indicated:

VIA HAND DELIVERY (in triplicate):

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/s/ Mary B. Graham

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